

**BOARD OF SELECTMEN  
SPECIAL MEETING – JUNE 24, 2013**

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**I. Call to Order/Roll Call**

Chairman Alex Vispoli reconvened the Special meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present: Roll call: Chairman Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present: Town Manager Reginald S. Stapczynski. The meeting was duly posted and cable-cast live.

**II. Executive Session**

Chairman Vispoli called the Executive Session to order at 6:02 P.M. in the Selectmen's Conference Room in the Town Offices. On a motion by Brian Major and seconded by Mary Lyman, the Board voted 4-0 to enter into Executive Session to discuss confidential communications with Town Counsel and Special Town Counsel for legal advice and to discuss litigation strategy which may have a detrimental effect on the Board's position if discussed in Open Session, and to return to Open Session. Roll Call: Chairman Vispoli-Y and Selectmen Mary Lyman-Y, Brian Major, and Paul Salafia-Y. At 6:30 P.M. on a motion by Brian Major and seconded by Dan Kowalski, the Board voted 5-0 to adjourn from Executive Session and move to Open Session, not to return to Executive Session. Roll call: Chairman Vispoli-Y, and Selectmen Brian Major-Y, Dan Kowalski-Y, Mary Lyman-Y and Paul Salafia-Y.

**III. Opening Ceremonies**

Chairman Vispoli asked for a Moment of Silence followed by the Pledge of Allegiance.

**IV. Regular Business of the Board**

**A. Andover Youth Center**

1. Youth Center Building Committee Chairman Chris Huntress updated the Board on the cost estimate of the Cormier Youth Center and the accommodation of an additional 4' for the gymnasium. Mr. Huntress reported that the 29-page report had been received this afternoon and is close to budget but the information has not been vetted by the Building Committee. In light of that, he requested that the Building Committee be given time to review the estimate. The Board agreed to continue the discussion to their next meeting on July 1, 2013. Selectman Lyman asked that the estimate be e-mailed to the Board.

2. Mr. Huntress reported they can accommodate the 4' increase in the size of the Youth Center gymnasium using funds in the Youth Services gift account and still be within budget.

3. The Board discussed the Town Manager's request to spend approximately \$35,000 for the Bancroft School generator to be relocated to the Youth Center for emergency heating/cooling for the community, using the current budget to cover the use of the Bancroft School's generator or additional Town funds. The \$35,000 would include moving and installing the generator and switches plus installation of a concrete pad outside the building.

Installation of an additional AC unit on the roof of the gym was not in the base contract as the plan for AC did not include the gymnasium. If the Youth Center is to be used for a Heating/Cooling Emergency Center for the community, it should be installed. The Youth Center contract included an emergency generator for basic lighting only during outages.

Selectman Major motioned the Board to request expenditures of up to \$35,000 for the purposes of re-installing the Bancroft School generator for the purposes of providing a heating and cooling emergency center in the Youth Center for community use. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

Selectman Major motioned the Board support and deems it to be an appropriate use of Andover Youth Services Gift Account to compliment construction of the Andover Youth Center and most effective use of those dollars to be determined by the Building Committee, Town Manager, and Plant & Facilities. The motion was seconded by Selectman Salafia.

The Board considered tabling the motion until the July 1<sup>st</sup> meeting when the cost estimates would be available. The Board continued to talk about the proper wording of the motion and the process.

Mary Carbone, 3 Cyr Circle, asked whose jurisdiction the money in the gift account comes under.

Bill Fahey, Director of Youth Services, said the goal was to make the gym a little larger to accommodate their programs. Mr. Huntress said the Building Committee will look at all the numbers and the gift account and will work directly with Bill Fahey. The plan would be to use the funds only for the expansion of the gym.

Selectman Salafia noted the main number they are interested in is the amount of \$250 sq. ft. for the additional 4' increase to the gymnasium and that the criteria were set a week ago and, therefore, the Board should vote. Selectman Lyman said she wished the Board would wait for the cost estimate and view this as a whole.

At the conclusion of the discussion, the Board decided to vote on the motion by Selectman Major and seconded by Selectman Salafia. The Board voted 4-1 to approve. Selectman Lyman was opposed preferring to wait until July 1<sup>st</sup>.

4. The Board accepted a gift of money in the amount of \$458,000 from the Andover Youth Foundation Chair Diane Costagliola for the Andover Youth Center Project – Site Improvement Work in the amount of \$458,000.

VI. **Regular Business of the Board (Cont'd)**

B. **Melmark New England**

The Board continued their prior discussion on the request by Melmark New England for an Intermunicipal Agreement to provide sewer for their facility at 461 River Road as presented at the June 19, 2013 Special Meeting with members of the Town Boards present to address all questions including: Public Health Director Tom Carbone, Director of Planning Paul Materazzo, Town Counsel Thomas Urbelis and Acting DPW Director Chris Cronin.

Mr. Cronin provided an aerial view of the area and explained the physical aspects of the plans and the capacity of the sewer pipe which is 800,000+ gallons and stated there would still be additional capacity in the sewer line with the amended agreement. Mr. Carbone reviewed the utilization of the sewer line and said there is enough remaining capacity within the pipe to accommodate the request from Melmark. Any change in use or extra building would have to come back to the Board for approval. Lowell and Tewksbury have both approved the request.

Peter Troy from Melmark said the information was provided in a December 14<sup>th</sup> communication to the Board of Selectman. Selectman Lyman pointed out there was no other communication received since that time so the request was assumed to be inactive.

Attorney Urbelis said he has three concerns: 1) what protections are contained in the IMA for the Town; 2) if the Board signs the agreement, is that binding?; and 3) If Andover doesn't have 10% 40B housing can they request another Intermunicipal Agreement?

Part 2 of the Agreement applies only to the remaining sewer capacity that Avalon has. Melmark has to get permits from both Tewksbury and Andover and the only construction allowed is according to the design plan and limited to just the building currently there including the food service area.

Attorney Urbelis said Andover shall have no responsibility for repairs, operations or maintenance of any other private lines in that area. Melmark will indemnify, defend, and hold harmless offices of Andover for failure by Melmark to comply with the terms of agreement.

Melmark will be responsible for the main and its repairs/construction and will comply with all regulations of Andover, Tewksbury, and Lowell. Tewksbury will obtain the water meter readings – Melmark will maintain the connection. The Agreement would not be in effect until all parties sign and the Agreement is recorded. The Town of Andover is currently over the 10% of 40B housing required. Attorney Urbelis does not feel comfortable with the Board approving the request and feels we could be at risk if the 40B housing drops below the required 10%.

### **III. Regular Business of the Board (Cont'd)**

Selectman Lyman asked about the overlay district and how it affects the request. Paul Materazzo said new developments and requests would be reviewed and approved by the Board of Health. The Board discussed possible scenarios if the Town falls below the 40B housing requirement. Peter Troy said the IMA goes back to 1998-1999 and was setup by Andover, the request is a matter of using surplus gallons. The Board is concerned with when and how this Agreement will impact the Town in the future, could it force the Town to open up sewer lines by setting a precedent and are concerned with the legal ramifications. The Town has to do due diligence. Brian Major wants to hear the opinion of Town Counsel on the non-40B item, identify risk areas, and other concerns. He requests Town Counsel review the agreement and report back to the Board on July 1<sup>st</sup>.

#### **C. Town Accountant Subcommittee**

Selectmen Lyman and Kowalski, Town Accountant Subcommittee, provided an update to the other Board members on the status of the job requirements for the Town Accountant's position. The Board was provided with copies of the survey conducted which was helpful in identifying needs, skills and qualities for the next Town Accountant. The key issues identified include a strong knowledge of the MUNIS System, to be an agent of change, a high degree of focus on training staff, accessibility and good communication skills. The next steps in the process will be to construct a job description with specifications. The Board needs to decide if they want to continue having the Town Accountant report to the Board. Action item: The Board will read the Executive Summary and survey and construct a timeline. The Town Manager will provide information for their next Board packet including specifications for the position, organization structure and scope of different options to consider. The Subcommittee will meet on Friday, June 28<sup>th</sup> at 7:30 P.M. in the Town Offices. It was also suggested the Board think about the role of auditing and how the Board plays into this independent report.

### **IV. Adjournment**

At 9:14 P.M. on a motion by Dan Kowalski and seconded by Brian Major, the Board unanimously voted to adjourn the Special Meeting of June 24, 2013.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Town Accountant Survey for the Board